IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5315 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHANABHAI MEHJIBHAI PARMAR

Versus

N C DAVE, I A S

Appearance:

MR PV HATHI for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 15/12/2000

ORAL JUDGEMENT

The petitioner who was serving as Deputy Mamlatdar at the relevant time in the office of the Collector, Vadodara had filed this petition for a relief

that order of suspension passed by the Collector, respondent no.1 be quashed and set aside. The next prayer sought for by the petitioner was that respondent no.1 be directed to complete the departmental inquiry within a time frame that may be specified by this Court.

2. This Court on 6.10.1987 issued rule and granted interim relief in terms of para 9(C). Para 9(C) reads as under :

"to issue an injunction restraining the first respondent and third respondent from implementing and enforcing the order of suspension dt.30.9.97 and to direct them not to give effect to the said order even if passed pending the hearing and final disposal of this petition."

3. Today, when the matter is called out, learned advocate Mr.Hathi submitted that the charge sheet was issued to the petitioner on 26.6.1997 and to that the petitioner has field a reply. Thereafter, in the month of January 2000, Inquiry Officer was appointed, who has already completed inquiry and submitted report to the authority. Thereafter, a show cause notice was issued on 19.10.2000, to which also the petitioner has filed a reply on 14.11.2000. Now the matter is pending before the Collector, respondent no.1 for passing final orders.

4. In view of the fact that at the time of issuance of rule this Court had granted interim relief in terms of para 9(C), by virtue of that the petitioner had continued in service all throughout, the petition can be disposed of without going into the merits of the case, by issuing following direction :

The petitioner be allowed to continue in service till the final order is passed by the Collector, as there is no question of enforcing and implementing the suspension order at this stage. It is made clear that this order will not have any impact on the passing of final order and the same shall take effect in accordance with law.

5. In case of difficulty, the respondents may approach this Court.

6. The petition stands disposed of accordingly. Rule is made absolute in terms of the aforesaid direction. No order as to costs.

15th December 2000 (Ravi R. Tripathi, J.)

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